REMARKS/ARGUMENTS

Claims 35-40 are pending in the present application. Claims 1-34 were previously canceled by Applicants. A terminal disclaimer filed on December 10, 2004, has been accepted and recorded. With regard to the Final Office Action dated March 29, 2005, Applicants respectfully respond as follows.

Rejections under 35 U.S.C. §102(b)

Claims 35-40 have been rejected under 35 U.S.C. §102(b) as being anticipated by Glasky, Alvin J. (WO 91/14434 published 10/3/1991, equivalent to US 5,091,432). Applicants respectfully disagree with this rejection.

With regard to this rejection, the Examiner states the following:

> Glasky [*sic*] discloses that administering to a mammal, the specific carbon monoxide dependent guanylyl cyclase modulating purine derivative, 4[[3-(1,6-dihydro-6-oxo-9H-purin-9-yl)-1-oxopropyl]amino]-benzoic acid (also known as AIT 082 acid, see col.8 line 48-51 [*sic*]; col.45, [*sic*] the 2nd last compound), is useful in a method for treating neuroimmunologic disorders or neurological disorders such as in mammals such as Alzheimer's disease (see abstract; col.2 line 35-65 [*sic*]; col.4 line 1-9 [*sic*] and 50-52; claim 8 in particular). Glasky disclosed that the effective amounts or doses of the specific carbon monoxide [*sic*] dependent guanylyl cyclase modulating purine derivative, 4[[3-(1,6-dihydro-6-oxo-9H-purin-9-yl)-1-oxopropyl]amino]-benzoic acid, produces a treating concentration of at least [*sic*] 1 μM (see Table 1-5 at col. 31-33). Glasky discloses that the said mammal is treated by orally administering or injecting the compound such as AIT 082 (see col.4 line 50-52 [*sic*]).

Claim 35 defines a method for inducing the *in vivo* production of neurotropic growth factors in a mammal, including, among other steps/things, the step of treating a mammal with an effective amount of at least one carbon monoxide dependent guanylyl cyclase modulating purine derivative. The prior art of record does not disclose or suggest the above-noted features of claim 35. More specifically, the above-noted reference does not disclose a method for inducing the *in vivo* production of neurotropic growth factors. Moreover, the above-noted reference does not disclose the *in vivo*

production of anything, let alone the *in vivo* production of neurotropic growth factors. No where in this reference are neurotropic growth factors discussed, let alone a method for inducing the *in vivo* production of neurotropic growth factors. Rather, the above-noted reference discloses,

> pharmaceutical compounds possessing unique and unexpected combination of biological activities. More particularly, the compositions are formed of at least two biologically active chemical moieties linked by a chemical bridge.

(Column 1, lines 8-13).

The above-noted reference does not teach every element of claim 35. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. §2131. The above-noted reference does not teach a method for inducing the *in vivo* production of neurotropic growth factors in a mammal. Accordingly, claim 35 is in condition for allowance.

Claim 36 depends from claim 35. The Examiner states,

> Glasky [*sic*] discloses that administering to a mammal, the specific carbon monoxide dependent guanylyl cyclase modulating purine derivative, 4[[3-(1,6-dihydro-6-oxo-9H-purin-9-yl)-1-oxopropyl]amino]-benzoic acid...see col.8 [*sic*] line [*sic*] 48-51...

Rather, Glasky discloses, "4-[[3-(1, 6-dihydro-6-oxo-9H-purin-9-yl)-1-oxopropyl-]amino]benzoic acid compound [*sic*] *with 1-9dimethylamino)-2-propanol (1:1).*" (Emphasis added). Moreover, claims 36-40 depend from claim 35, and since claim 35 defines patentable subject matter, claims 36-40 define patentable subject matter. Furthermore, the prior art of record does not disclose or suggest the unique aspects of claim 35 in addition to 3-(1,6-dihydro-6-oxo-9H-purin-9-yl)-1-oxo-propyl amino benzoic acid (claim 36), a treating concentration of at least 1 μM (claim 37), a neurotropic growth factor selected from the group consisting of nerve growth factor (NGF), fibroblast growth factor-2(FGF-2), and neurotropin-3 (NT-3) (claim 38), treating a mammal orally with the aforementioned at least one carbon monoxide dependent guanylyl cyclase modulating

purine derivative (claim 39) and treating the same by injection (claim 40). Accordingly, claims 35-40 are in condition for allowance.

Claims 35-40 remain in the application and Applicants believe that the application is in condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is respectfully invited to contact the undersigned if there are any issues which remain, preventing the allowance of the application.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-3207.

Respectfully submitted,

Dated: 8/29/05

Chad J Wiegand, Pharm.D.
Registration No. 52,360
CUSTOMER NUMBER: 45,200

PRESTON GATES & ELLIS LLP
1900 Main Street, Suite 600
Irvine, California 92614-7319
Telephone: (949) 253-0900
Facsimile: (949) 253-0902